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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,246	05/22/2006	Jee Woong Seol	K-0794	1587
34610 7590 11/21/2008 KED & ASSOCIATES, LLP P.O. Box 221200 Chantilly, VA 20153-1200				
EXAMINER				
SARWAR, BABAR				
ART UNIT		PAPER NUMBER		
2617				
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11/21/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/580,246

Applicant(s)

SEOL, JEE WOONG

Examiner

BABAR SARWAR

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Beckmann et al. (US 2004/0028078 A1) in view of Choi et al. (US 6272117 B1) hereinafter referenced as Beck and Choi.

Consider **claim 1**, Beck discloses receiving a grant message including reverse data rate control information and an application range indication information from a base station, controlling the reverse data rate according to the reverse data rate control information included in the grant message (Abstract, Para 0027-0032, figs. 5, 7, 8)

Beck does not specifically teach that if the application range indication information indicates that contents of the grant message are applied to a corresponding ARQ-channel at a moment of receiving the grant message only an application range of the contents of the grant message is limited to a prescribed range even if receiving a NAK signal from the base station at a time point of receiving the grant message. Choi discloses that if the application range indication information indicates that contents of the grant message are applied to a corresponding ARQ-channel at a moment of receiving the grant message only an application range of the contents of the grant message is limited to a prescribed range even if receiving a NAK signal from the base

station at a time point of receiving the grant message (Abstract, Col. 6 lines 1-67, Col. 7 lines 1-67, figs. 7a-7b, where Choi teaches a prescribed range).

Therefore it would have been obvious to one of ordinary skills in the art at the time the invention was made to modify Beck by specifically providing that if the application range indication information indicates that contents of the grant message are applied to a corresponding ARQ-channel at a moment of receiving the grant message only an application range of the contents of the grant message is limited to a prescribed range even if receiving a NAK signal from the base station at a time point of receiving the grant message, as taught by Choi, for the purpose of increasing channel utilization by minimizing interference as discussed in Col. 3 lines 07-16.

Consider **claim 2**, Beck and Choi disclose everything claimed as implemented above (see claim 1). In addition, Beck teaches that the reverse data rate control information is a maximum encoder packet size (Para 0015-0017).

Consider **claim 3**, Beck and Choi disclose everything claimed as implemented above (see claim 1). In addition, Choi specifically discloses that the application range indication information includes ALL_ACID IND information indicating whether the grant message is applied to entire ARQ-channels and PERSISTENC information indicating whether the grant message keeps being applied to a specific ARQ-channel (Abstract, Col. 6 lines 1-67, Col. 7 lines 1-67, figs. 7a-7b).

Therefore it would obvious to one of skills in the art at the time the invention was made to modify Beck by specifically providing that the application range indication information includes ALL_ACID IND information indicating whether the grant message

is applied to entire ARQ-channels and PERSISTENC information indicating whether the grant message keeps being applied to a specific ARQ-channel, as taught by Choi, for the purpose of increasing channel utilization by minimizing channel collisions as discussed in Col. 3 lines 07-16.

Consider **claim 4**, Beck and Choi disclose everything claimed as implemented above (see claim 1). In addition, Choi specifically discloses the prescribed range is an ARQ-channel unit group (Abstract, Col. 6 lines 1-67, Col. 7 lines 1-67, figs. 7a-7b).

Therefore it would obvious to one of skills in the art at the time the invention was made to modify Beck by specifically providing that the prescribed range is an ARQ-channel unit group, as taught by Choi, for the purpose of increasing channel utilization by minimizing channel collisions as discussed in Col. 3 lines 07-16.

Consider **claim 5**, Beck and Choi disclose everything claimed as implemented above (see claim 2). In addition, Beck teaches that the reverse data rate is determined within a range of authorized_TPR corresponding to the maximum encoder packet size (EP-SIE) included in the grant message (Para 0015-0017).

Consider **claim 6**, Beck and Choi disclose everything claimed as implemented above (see claim 3). In addition, Choi teaches that if values of the ALL ACID IND and the PERSISTENCE are TRUE and FALSE, respectively, the contents of the grant message are applied within the ARQ-channel unit group (Abstract, Col. 6 lines 1-67, Col. 7 lines 1-67, figs. 7a-7b).

Therefore it would be obvious to one of skill in the art at the time the invention was made to modify Beck by specifically providing that if values of the ALL ACID IND and the PERSISTENCE are TRUE and FALSE, respectively, the contents of the grant message are applied within the ARQ-channel unit group, as taught by Choi, for the purpose of increasing channel utilization by minimizing channel collisions as discussed in Col. 3 lines 07-16.

Consider **claim 7**, Beck and Choi disclose everything claimed as implemented above (see claim 3). In addition, Choi teaches if each value of the ALL ACID IND and the PERSISTENCE is FALSE, respectively, the contents of the grant message are applied to a corresponding ARQ-channel within the ARQ-channel unit group only. (Abstract, Col. 6 lines 1-67, Col. 7 lines 1-67, figs. 7a-7b).

Therefore it would be obvious to one of skill in the art at the time the invention was made to modify Beck by specifically providing that if each value of the ALL ACID IND and the PERSISTENCE is FALSE, respectively, the contents of the grant message are applied to a corresponding ARQ-channel within the ARQ-channel unit group only, as taught by Choi, for the purpose of increasing channel utilization by minimizing channel collisions as discussed in Col. 3 lines 07-16.

Consider **claim 8**, Beck and Choi disclose everything claimed as implemented above (see claim 1). In addition, Beck teaches a channel carrying reverse data is a reverse-packet data channel (Para 0015-0017).

Consider **claim 9**, Beck and Choi disclose everything claimed as implemented above (see claim 1). In addition, Beck teaches the grant message is received over a forward-grant channel (Para 0015-0017).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BABAR SARWAR whose telephone number is (571)270-5584. The examiner can normally be reached on MONDAY TO FRIDAY 09:30 A.M -05:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NICK CORSARO can be reached on (571)272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. S./

/BABAR SARWAR/
Examiner, Art Unit 2617

/NICK CORSARO/
Supervisory Patent Examiner, Art Unit 2617